



Australian Government
Department of Defence

Australia's Approach to Export Controls

Defending Australia and its National Interests
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Defence Export Controls

- Australia's export control policies enable the export of goods and technologies that align with Australia's national interests and international obligations.
- Australia's Defence Export Controls (DEC) regulates the export, supply and publication of defence and strategic goods, technologies and software.

- Australia's approach to export controls:
 - Legislative & Regulatory Framework
 - Assessment Process
 - Stakeholder Engagement

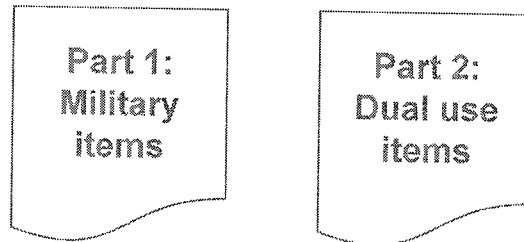
Framework

Australia has a legislative framework to manage the exports of controlled goods, services and technology.

<i>Customs Act 1901:</i> Tangible exports	<i>Defence Trade Controls Act 2012:</i> Intangible supply, publication and brokering
<i>Weapons of Mass Destruction Act 1995:</i> Catch all control	<i>Military End Use Provision (Customs Act):</i> Catch all control

The Defence and Strategic Goods List (DSGL) is the list that specifies the **goods, software or technology** that are controlled when exported, supplied, brokered or published.

The DSGL has two parts:



A permit is required when exporting, supplying, brokering or publishing DSGL items, unless there is an exemption.

Export Control Policy Criteria

- **Australia's International Obligations.** Are the goods, end user or destination subject to sanctions or arms embargoes?
- **Human Rights.** Is there a clearly identifiable risk that the goods would be used to commit or facilitate serious human rights abuses?
- **Regional Security.** Is the export a threat to international and regional peace and stability, including the internal situation in the destination country?
- **National Security.** Could the export compromise Australia's security interests, obligations or responsibilities?
- **Foreign Policy considerations.** Could the export support weapons of mass destruction, ballistic missiles, terrorism, or other criminal or mercenary activities?

Catch-All Control

- The *Weapons of Mass Destruction (Prevention of Proliferation) Act 1995* enables the Minister for Defence to prohibit the export of any goods and services not listed on the Defence and Strategic Goods List.
- The Minister can issue a prohibition notice if there is a belief or suspicion that the goods or services may be used in, or may potentially assist, a Weapons of Mass Destruction Program.
 - A Weapons of Mass Destruction program is a *'plan or program for the development, production, acquisition or stockpiling of nuclear, biological or chemical weapons or missiles capable of delivering such weapons'*

Stakeholder Engagement

- Defence Export Controls seeks to engage stakeholders in the private sector to:
 - Support voluntary compliance
 - Build understanding and awareness of Australian export controls

Stakeholder Engagement

- The *Defence Trade Controls Act 2012* controls the:
 - **Intangible supply** (transfer by non-physical means) of controlled technology
 - **Publication** of controlled military technologies
 - **Brokering** the supply of military or military end-use goods and technologies
- There is an increasing use of electronic or intangible methods to transfer technology without traditional border scrutiny.

Stakeholder Engagement

- Defence Export Controls' engagement with stakeholders included:
 - Establishment of sector working groups
 - Provision of sector-specific advice and guidance
 - Information and outreach sessions
 - Introduction of broader / more flexible permits



Thank You

